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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,726	07/29/2003	Judson A. Bradford	BRP / 200	7525
26875	7590	06/16/2006		
WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			EXAMINER LHYMN, EUGENE	
			ART UNIT 3727	PAPER NUMBER

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/629,726	Applicant(s) BRADFORD, JUDSON A.	
	Examiner Eugene Lhymn	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 21-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 21-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6-10, 12, 21, 23, 26-28, 31, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baum (US 4403638) in view of Sherman (US 5069514).

With respect to claim 1, Baum discloses the following:

- A partition assembly including partitions (Fig. 4)
- A container having walls extending upwardly from a bottom, defining an interior of a container (Fig. 4, item 23)
- Partitions being of length such that they do not bend when inserted (Fig. 4)
- Partition assembly is held in the interior of the container by at least one hook and loop fastener (Fig. 4, item 32)

However, Baum fails to disclose the partitions being intersected and slotted arranged in a matrix. Nonetheless, Sherman teaches a partitioned container having similar flexible fabric partitions wherein the partitions are intersecting and slotted, and arranged in a matrix, as shown in Fig. 4, thereby providing a versatile design. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to

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configure the partitions of Baum to be intersected slotted and arranged in a matrix as taught by Sherman so as to provide a versatile design.

With respect to claim 2, Baum discloses the hook and loop fastener having a first component secured to the container walls (Fig. 4, the inner wall fabric), and a second component secured to a partition, as shown in Fig. 4, item 32.

With respect to claim 3, Baum discloses the hooks being engaged with said loops, as shown in Fig. 4.

With respect to claim 6, Baum discloses the second component functioning as a flexible extension of the partition, as shown in Fig. 4 wherein the partitions clearly extend beyond the partition.

With respect to claim 7, Baum discloses the second component having an exterior surface with a plurality of loops, as shown in Fig. 4, item 32.

With respect to claim 8, Baum discloses the second component being a flexible tab (Fig. 4).

With respect to claims 10 & 28 & 33, Baum discloses the following:

- A container (23)
- A plurality of first partitions
- A plurality of second partitions
- One of said partitions having a flexible tab at the end thereof, said flexible tab comprising a second component of a hook and loop fastener (32), adapted for engagement with said first component of said hook and loop fastener, whereby the tab can be bent to either side of said partition to engage said first component,

wherein the tab 32 can clearly bent to either side, thereby engaging the first component of the hook and loop fastener

However, Baum fails to disclose the partitions being slotted and arranged in a matrix. Nonetheless, Sherman teaches a partitioned container having similar flexible fabric partitions wherein the partitions are intersecting and slotted, and arranged in a matrix, as shown in Fig. 4, thereby providing a versatile design. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to configure the partitions of Baum to be intersected slotted and arranged in a matrix as taught by Sherman so as to provide a versatile design.

With respect to claim 12, Baum discloses the following:

- A container (23)
- A plurality of first partitions
- A plurality of second partitions
- One of said partitions having a flexible tab at the end thereof, said flexible tab comprising a second component of a hook and loop fastener (32), adapted for engagement with said first component of said hook and loop fastener, whereby the first component can engage the partition on either side (Fig. 4).
- Each of first partitions being shorter than the width of the interior of the container (Fig. 4)

However, Baum fails to disclose the partitions being slotted and arranged in a matrix. Nonetheless, Sherman teaches a partitioned container having similar flexible fabric

partitions wherein the partitions are intersecting and slotted, and arranged in a matrix, as shown in Fig. 4, thereby providing a versatile design. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to configure the partitions of Baum to be intersected slotted and arranged in a matrix as taught by Sherman so as to provide a versatile design.

With respect to claim 21, Baum discloses the following:

- A container
- Partition assembly that fits in the container without bending of said partitions
- Partition assembly is held in the container by at least one hook and loop fastener, with a first component (inner wall material) and second component 32, said second component being adapted to bend counterclockwise and clockwise, wherein since the tab is flexible, it is capable of bending as such

However, Baum fails to disclose the partitions being slotted and arranged in a matrix. Nonetheless, Sherman teaches a partitioned container having similar flexible fabric partitions wherein the partitions are intersecting and slotted, and arranged in a matrix, as shown in Fig. 4, thereby providing a versatile design. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to configure the partitions of Baum to be intersected slotted and arranged in a matrix as taught by Sherman so as to provide a versatile design.

With respect to claim 23, Baum discloses hooks engaging corresponding loops, as shown in Fig. 4.

With respect to claim 26, Baum discloses the second component being a planar extension of the partition, wherein since the portion of the tab 32 that extends over the edge of the partition, it acts as a planar extension that extends outwardly.

With respect to claim 27, Baum discloses the second component having an exterior surface with a plurality of loops (32)

3. Claims 4, 5, 9, 11, 13, 22, 24, 25, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baum in view of Sherman as applied to claim 1 above, and further in view of Cyr (US 4610286). With respect to claims 4, 5, 24, 25, Baum as modified above discloses the claimed invention except for the second component being adhesively secured to the partition end. However, Cyr teaches a container with flexible partitions wherein the loop fasteners attached to the inner walls of the container are secured via adhesives, or sewing, equivalently (Col 6, Lines 60-65), thereby providing an alternate means of connection. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the connection of Baum, of the second component to the partition via sewing, to be secured via adhesives therewith, as taught by Cyr so as to provide an alternate and equivalent means of connection.

With respect to claims 9, 11, 13, 22, 29, Baum as modified above discloses the claimed invention except for the partitions being plastic. However, Cyr teaches the partitions being plastic (Col 6, Lines 25-28), thereby providing a durable material. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

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invention to modify the fabric partitions of Baum to have a plastic inner core as taught by Cyr so as to provide a durable material.

4. Claims 30, 32 are rejected under 35 U.S.C. 103(a) as being obvious over Baum in view of Sherman as applied to claim 1 above, and further in view of Cox (US 6535606 B2). With respect to claims 30 and 32, Baum as modified above discloses the claimed invention except for the second component having an adhesive removable backing. However, Cox discloses hook and loop fasteners with a release backing configuration (Col 2, Lines 47-54), thereby providing a convenient means of implementing said hook and loop fasteners. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the hook and loop fasteners of Baum as modified by Sherman to have a peel-back adhesive as taught by Cox so as to provide a convenient means of implementing said hook and loop fasteners.

Response to Arguments

5. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Lhymn whose telephone number is 571-272-8712. The examiner can normally be reached on MTWT 6-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stephen K. Cronin
Primary Examiner